IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 14731 of 2007(D)

PETITIONER:

DHANNYA CHANDRAN, W/O. SHIBU KRISHNAN,
CHOOLATHIL HOUSE, UDAYAMPEROOR (P.O),
THRIPPUNITHURA.

BY ADV. SMT.K.V.BHADRA KUMARI

RESPONDENTS:

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1. SECRETARY,
KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM.

2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
PATTOM, THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVT.,
HIGHER SECONDARY EDUCATION DEPARTMENT,
SECRETARIATE, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.14731/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE NOTIFICATION PUBLISHED BY THE 1ST RESPONDENT IN MATHRUBJOOMI DAILY DT. 30.11.05.

EXT.P2. COPY OF THE CERTIFICATE ISSUED BY M.G. UNIVERSITY

EXT.P3. COPY OF THE CERTIFICATE ISSUED FROM DIRECTORATE OF HIGHER S ECONDARY EDUCATION.

EXT.P4. COPY OF THE CERTIFICATE ISSUED BY M.G.UNIVERSITY DT. 12.10.04.

EXT.P5. COPY OF THE COURSE CERTIFICATE SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P6. COPY OF THE PROVISIONAL CERTIFICATE ISSUED BY M.G. UNIVERSITY DT. 20.6.06.

EXT.P7. COPY OF THE COMMUNICATION DT. 19.4.07 ISSUED BY THE 1ST RESPONDENT

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 14731 OF 2007

Dated this the 24th day of May, 2007

J U D G M E N T

In November 2005, the Kerala Public Service Commission had issued a notification inviting applications from eligible candidates for appointment to the post of Higher Secondary School Teacher. Petitioner did not possess the requisite qualification to apply for the post at that time. It is conceded by the petitioner that she acquired the necessary qualification only on June 20, 2006 though the last date for receipt of applications in terms of the notification mentioned above, was December 12, 2006.

2. It is on record that the written examination conducted by the Commission was cancelled because of certain defects noticed by it later. It is also beyond controversy that the Commission is about to conduct another written examination on the basis of the same notification.

3. The prayer made by the petitioner in this writ petition under Article 226 of the Constitution is "to issue an appropriate direction to the 1st respondent to permit the petitioner to appear for the qualifying exam for the post of Higher Secondary School Teacher in Journalism as notified in Ext.P1 notification."

4. Having heard the learned counsel for the petitioner and the learned Standing Counsel for the Commission, I do not find any merit in the above contention. As indicated earlier, petitioner was not qualified to apply for the post in question either on the date of the notification or on the last date prescribed therein. It is futile on the part of the petitioner to contend that the Commission has to be directed to to give her an opportunity to participate in the selection process on the basis of Ext.P1 notification. The Commission has already taken steps to conduct a fresh written test on the basis of the notification issued by it in November 2005 since the petitioner was not admittedly qualified to apply for the post in question on the basis of the said notification, it will not be just or proper to issue a direction as prayed for by the petitioner in this writ petition.

The writ petition fails and it is accordingly dismissed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007